IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.276 OF 2005

IN

FIRST APPEAL NO.1641 OF 1996

Amin Shikalgar ...Petitioner

Versus

Mr.M.Ramrao ...Respondent

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Mr.Ameya Tamhane i/b Ms.Seema Sarnaik for Petitioner.

Mr.H.V.Mehta for Respondent.

Respondent is present in Court.

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CORAM: A.M.KHANWILKAR, J.

JUNE 7, 2006.

P.C.

1. Heard Counsel for the parties.

2. It is not in dispute that the Respondent has paid sum of Rs.55,494/- (Rupees Fifty-five Thousand Four Hundred Ninety-four) to the Petitioner in compliance of the direction given by this Court in First Appeal No.1641 of 1996. According to the Petitioner, however, the amount

which is paid to the Petitioner is not in conformity with the direction given by this Court. On the other hand, according to the Respondent, the Respondent has computed compensation amount, keeping in mind the relief claimed by the Petitioner in the Application filed before the Trial Court.

3. This controversy will necessitate straightaway adverting to the order passed by this Court. This Court while disposing of the First Appeal by order dated 7th March 2006 passed following operative order :

> "The impugned order of the E.S.I. Court, Pune dated 30.8.1995 in appeal (ESI) No.15 of 1980 is set aside and quashed. The application of the Appellant for compensation is allowed. Respondent no.2 to pay compensation as prayed for, with costs of this appeal."

4. From plain reading of this order, it is obvious that Petitioner would be entitled to compensation only in terms of the relief claimed by the Petitioner before the Trial Court. The

question is: whether the Respondent has computed the amount as per the said relief? The Respondent has given the break up of the computation of Rs.55,494/- (Rupees Fifty-five Thousand Four Hundred Ninety-four) as compensation amount. The break up has been made available to the Court, as can be noted at page 31 along with the affidavit of Mathews Mathew, Deputy Director dated 21st April 2006. This document explains the basis on which computation has been arrived at. Prima facie, I am satisfied that the computation done is in conformity with requirements of Schedule I of the Act which was applicable at the relevant time. In that sense, it is not a case of wilful disobedience of direction given by this Court. Hence, no contempt action is required.

5. While disposing of this Petition, therefore, it is made clear that if the Petitioner is not satisfied with the computation of compensation done by the Respondent, it will be open to the Petitioner to take recourse to such remedy as may be permissible by law. All questions in that behalf are left open. Notice issued to

Respondent shall stand discharged.

A.M.KHANWILKAR, J.